

1                                   **ELK RANCHING ENCLOSURE AMENDMENTS**

2   2000 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Bill Wright**

5 AN ACT RELATING TO DOMESTICATED ELK RANCHING; PROVIDING AN EXCEPTION  
6 TO THE FENCING REQUIREMENTS IN CERTAIN SITUATIONS.

7 This act affects sections of Utah Code Annotated 1953 as follows:

8 AMENDS:

9                   **4-39-201**, as enacted by Chapter 302, Laws of Utah 1997

10 *Be it enacted by the Legislature of the state of Utah:*

11                   Section 1. Section **4-39-201** is amended to read:

12                   **4-39-201. Fencing, posts, and gates.**

13                   (1) Each domesticated elk facility shall, at a minimum, meet the requirements of this  
14 section and shall be constructed to prevent the movement of domesticated elk into or out of the  
15 facility.

16                   (2) (a) All perimeter fences and gates shall be:

17                   (i) a minimum of eight feet above ground level; and

18                   (ii) constructed of hi-tensile steel.

19                   (b) At least the bottom four feet must be mesh with a maximum mesh size of 6" x 6".

20                   (c) The remaining four feet shall be mesh with a maximum mesh size of 12" x 6".

21                   (3) The minimum wire gauge shall be 14-1/2 gauge for a 2 woven hi-tensile fence.

22                   (4) All perimeter gates at the entrances of domesticated elk handling facilities shall be  
23 locked, with consecutive or self-closing gates when animals are present.

24                   (5) Posts shall be:

25                   (a) (i) constructed of treated wood which is at least four inches in diameter; or

26                   (ii) constructed of a material with the strength equivalent of Subsection (5)(a)(i);

27                   (b) spaced no more than 30 feet apart if one stay is used, or 20 feet apart if no stays are

28 used; and  
29 (c) at least eight feet above ground level and two feet below ground level.  
30 (6) Stays, between the posts, shall be:  
31 (a) constructed of treated wood or steel;  
32 (b) spaced no more than 15 feet from any post; and  
33 (c) at least eight feet above ground level, and two feet below ground level.  
34 (7) Corner posts and gate posts shall be braced wood or its strength equivalent.  
35 (8) (a) Notwithstanding the requirements of Subsections (2) through (7), the department  
36 may allow an exception to the requirements specified in Subsections (2) through (7) if:  
37 (i) there is a natural barrier which is a part of the perimeter of the domesticated elk facility;  
38 (ii) it is determined by the department that the natural barrier referred to in Subsection  
39 (8)(a)(i) is capable of restraining the domesticated elk as well as or better than the fence and gates  
40 required under Subsections (2) through (7); and  
41 (iii) the Division of Wildlife Resources approves the exception based on the criteria  
42 established under Subsections (8)(a)(i) and (ii).  
43 (b) The department may revoke at any time the exception granted under Subsection (8)(a),  
44 if the department determines that the natural barrier is not capable of restraining the domesticated  
45 elk.

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**Legislative Review Note**  
**as of 2-3-00 11:13 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**